

**REMARKS**

Claim 15 is pending in the case at the time of the Final Office Action. Claim 15 was rejected.

**Double Patenting**

**Claim 15 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of copending Application No. 11/838,046.**

This rejection is moot, at least, for the following reasons. Applicant's herewith file a Terminal Disclaimer over U.S. Patent Application No. 11/838,046. Withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that each of the pending claims is in condition for allowance, and a Notice of Allowance is earnestly solicited. The Examiner is invited to contact the undersigned attorney at (612) 321-2237 with any questions, comments or suggestions relating to the referenced patent application.

This response is being submitted on or before October 15, 2010, making this a timely response. The fee for the Terminal Disclaimer is being paid herewith. It is believed that no additional fees are due in connection with this filing. If the Commissioner determines that any fee under 37 C.F.R. §§ 1.16 to 1.21 is required for any reason, including any additional fees, including extension fees or other relief which may be required, the Commissioner is hereby authorized to deduct said fee from Fulbright & Jaworski L.L.P. Account No.: 50-1212/BWHI-029/US3 and notify us of the same.

CUSTOMER NUMBER **38824**

Respectfully submitted,

/Colin L. Fairman/

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Date: August 6, 2010